

**BOROUGH OF WESTWOOD  
PLANNING BOARD MINUTES  
PUBLIC MEETING  
May 22, 2008**

**1. OPENING OF THE MEETING**

The meeting was called to order at approximately 8:00 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a Regular Meeting of the Planning Board.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL:**

**PRESENT:** Mayor Birkner  
William Martin  
Robert Bicocchi  
Otokar von Bradsky  
Thomas Constantine (arrived 8:35 pm)  
Ann Costello, Vice-Chairwoman  
Richard Bonsignore (Alt. #1)  
Daniel Olivier (Alt. #2)  
Jaymee Hodges, Chairman

**ALSO PRESENT:**

Thomas Randall, Esq., Board Attorney  
By Steven Paul, Esq.  
Ed Snieckus, Burgis Associates, Board Planner  
By Steve Lydon, Burgis Associates  
Louis Raimondi, PELS, Board Engineer

**ABSENT:** Councilwoman Cynthia Waneck(excused absence)  
James Schluter(excused absence)

Mr. Martin and Mayor Birkner stated they listened to the tape of the 5/8/08 meeting and signed a certification. Ms. Costello said she listened to the tape of the 4/14/08 meeting and signed a certification. Mr. Bonsignore said he listened to the tape of the 3/27/08 meeting and signed a certification.

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**4. MINUTES** - The Minutes of 4/10/08 4/24/08 were approved as amended on motions made, seconded and carried unanimously on roll call vote.

**5. CORRESPONDENCE**

1. Letter from Burgis Associates dated 5/13/08 RE: Professional Planning Services;
2. Letter form Louis Raimondi, PE, dated 5/1/08, RE: 390 Old Hook Road;
3. Memo to Board from Burgis Associates, dated 4/21/08 RE: Misha;
4. Letters from RCC Environmental Professionals dated 5/12/08, RE: Rockland Coaches;

**6. VOUCHERS:** \$12,641.55 - approved on motion made by Mr. Martin, seconded by Ms. Costello and carried unanimously on roll call vote.

**7. RESOLUTIONS:** None

**8. VARIANCES, SUBDIVISIONS AND/OR SITE PLANS:**

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS  
The Board Professionals were sworn in

**1. Mr. & Mrs. Misha, 266 Fourth Avenue- Subdivision -**  
Chairman Jaymee Hodges recused himself and stepped down from the dais. Ann Costello acted as Chairperson. Mr. Constantine arrived at approx. 8:35 p.m. Attorney Rehill reviewed from the last meeting. David E. Fantina, NJPE, applicant's engineer, distributed revised plan entitled, "Grading and Soil Erosion Control Plan for Musquapsink Brook", dated 9/26/07, revised to 5/17/08, per the Board Engineer's comments and review letter of 4/17/07. The Minor Subdivision Plans were revised to 4/11/08. Also, Mr. Rehill indicated, they would be happy to make any further changes to the grade to the satisfaction of the Board engineer.

Mr. Martin commented there was a problem, since the testimony said it is a basement, but the plans say a crawl space. Also distributed was the Architectural Plan by Columbro Architecture, dated 5/16/08. Mr. Raimondi requested a detail of the stone wall, and additionally a second one near the top because of the steep slopes. Mr. Rehill asked for an approval

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subject to providing same. Mr. Fantina stated his engineering plan was revised to show a fourth retaining wall; the first floor had been lowered, with a notation there is no basement. Mr. Raimondi commented he presumed those are the houses the builder would build. Mr. Lydon commented if they are seeking a grading plan, he agrees with Mr. Raimondi; the trees reflected to be removed are the ones they are dealing with. They do know the Board is being asked to approve a grading plan. He was not sure if a developer would come back to the Board. So what Mr. Raimondi said about tree removal holds true. Mr. Rehill and Mr. Fantina indicated they would work with Mr. Snieckus as to the trees.

Mr. Raimondi questioned whether there was a plan for the sewer line and stated it was part of the subdivision. His concern was the wetlands or an easement through the lots. Mr. Rehill stated they would need a DEP permit, and they would stipulate to same. Mr. Lydon asked if a planner would testify as to the variances, and the response was yes. He further referenced the Burgis report. The Board put forth their questions. A letter was received from Mr. & Mrs. James Butcher, dated 5/15/08. Mr. Rehill noted the house is upstream. Mr. Rehill suggested that if a builder wanted to build a different house, he would have to come before the Board.

The matter was opened to the public and the following person came forward: Penny Wirth and John Mehandzic, 245 Fourth Avenue, had various questions.

The architect was not yet present, and the Board took a recess from 9:05 p.m. to 9:20 p.m.

John Peel, Licensed Professional Planner, of PK Environmental, was sworn in, gave his credentials, was qualified and accepted. Mr. Peel testified as to the variances requested. The variance for proposed lots within the front yard, he stated, was based on hardship, and from a planning standpoint, he set forth the goals of planning, including design. As for the variance for placement of single family dwelling variance for existing structure, there is no modification to the building, and therefore, no way to change the position without tearing it down. Further, he continued, there are buffers and wetlands areas. The orientation of the front of the existing house is not affected by the subdivision, either way. With respect to

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the variance for steep slopes, it will not be a detriment. The variances could be provided without detriment. The slope disturbance will be done where there is greater disturbance towards the East. The reduced size of the house eliminates part of the concern. The building of the house would not have an effect on the slopes. The side lot lines are not at right angles to the street and would not be a problem.

Mr. Lydon requested Mr. Peel to elaborate further on the details of his testimony about the steep slopes and other variances. Mr. Lydon stated there is a way to minimize the impact on the steep slope area and asked if it could be done with a reduction to the number of lots. Mr. Peel agreed it could, but at a hardship to the applicant. Mr. Lydon asked if he was aware that taking down trees would have an effect on the desired visual environment. Mr. Lydon said the impact on the steep slopes could be avoided by reducing the number of lots. Mr. Peel stated it was never applicant's intention to reduce same. Mr. Lydon suggested he was not sure the lots fit in with the development patterns of the other lots on the West side of the road. Mr. Raimondi questioned the witness.

Mr. Martin had questions and suggested they not be rectangles but at right angles. He was trying to find out what led to deciding on this arrangement. Mr. Peel was actually not consulted on the establishment of the new lots and their relationship to the other lots. Mr. Peel said it could possibly be done and might be worth looking at. Mr. Martin commented right angles would create consistency and minimize impact. He asked questions regarding the Master Plan, noting flag lots are discouraged in the Master Plan. He asked Mr. Lydon if this arrangement could fall into that category. Mr. Lydon stated a flag lot would involve a lot with less frontage than required, and this falls under non-conforming and conforming. There were no further questions.

Ms. Costello called for a motion. Mr. Bonsignore moved for the project to be approved, with second by Mr. von Bradsky. Mr. Martin asked if the applicant was going to look into rotating the lots. Mr. Fantina commented another variance may be necessary. Mr. Bonsignore expressed concern about the driveways. Steven Paul, Esq. read the conditions and the proposed angled lot lines. Mr. Martin said the latest revision dates of the plans should be inserted in the Resolution. Also, any changes to

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volume would have to come back to the Board. Mr. Raimondi asked for a full final set of five sheets and whether the subdivision perfection would be in Deed form.

There were no further questions, comments or discussions. On roll call vote, Mayor Birkner, Thomas Constantine, Robert Bicocchi and Daniel Olivier voted no. William Martin, Otokar von Bradsky, Richard Bonsignore, and Ann Costello voted yes. There were four yes votes and four no votes. The motion failed. In voting yes, Mr. Martin commented in light of the tremendous environmental constraints, it was not unreasonable that the applicant requested to create two lots.

The Board deferred to the Board Attorney as to how to proceed. The applicant's attorney commented he was stumped because the applicant has done everything it could to put this property to some useful purpose. It would still be a gigantic lot and would be preserved forever based on what the applicant proposed to the Borough. Mr. Bonsignore stated that is why he moved for approval. This is an unusually large piece of property. It does appear straggly at times, but he feels an approval of this would have made a positive difference to the Borough. Board Members gave reasons for their votes. Mr. Constantine preferred to not have flag lots. He would like to see two lots instead of three. Having two subdivided lots in front would create a flag situation and not be a desirable look for Westwood. Mayor Birkner agreed and stated it was pushing the limits of the DEP, and it was disturbing the steep slopes. He appreciates the work they put in, but they maximized what they could do on the lot, and he did not feel it is in the best interests of the Borough.

The applicant's attorney gave closing comments and asked the Board to reconsider. The Board could not reconsider and the matter was concluded.

Mr. Olivier pointed out the Board Planner's letter stated the remaining lot would become a flag lot.

Mr. Rehill apologized for appearing agitated, but he spent seven (7) months working on the application, and the Board just denied it. Mr. Martin suggested he return at the next meeting when the Board is reading the Resolution and re-address the Board at that time if he wishes. There were no further

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questions, comments or discussions, and the matter was concluded at that time.

Jaymee Hodges returned to the dais.

The time was 10:45 p.m. The Board noted it would not be able reach the remaining applicants.

Mr. Berkoben requested an announcement for GMKC, which would be carried to the 6/12/08 as a public hearing.

## **2. Old Hook Road, LLC - Industrial Occupancy/Office-**

Raymond Jacobs, Esq. represented the applicant. Richard Eichenlaub, P.E. was sworn in as applicant's engineer, and testified as to his Site Plans dated 11/13/07, revised to 4/30/08, consisting of seven sheets. He testified the property is located in the HSO zone, and consists of 20,000 sq. ft. Presently a one-story vacant industrial building exists on the premises. They intend to remove the present structure and construct a two-story office building of 8,048 sq. ft. where the one-story building exists. They proposed landscaping and lighting details, as well as parking, which he described. There would be building frontage on Old Hook Road, and the revised plan proposes 32 parking spaces.

Mr. Raimondi commented he did not have an opportunity to review the plans in detail, but questioned the handicapped spots. Questions by the Board followed. There were more comments than questions. Mayor Birkner agreed there should be a sidewalk along the property. Mr. Bonsignore commented it would be a fine project for Westwood. Mr. Hodges asked if the pin oak tree is on the car wash property. Mr. Eichenlaub said it would remain. Also, the applicant stated there would be fire detectors. The Board commented they liked the improvements and was glad that this property would be upgraded. There were no further questions.

It was 11:15 p.m., and due to the lateness of the hour, the matter was carried to the 6/26/08 meeting.

**3. GMKC Investments LLC, 75 Bergen Street, Block 1407, Lot 11 - Subdivision - (Ed Sniekus, Burgis Associates-recused)-**  
Not reached; carried to 6/12/08

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4. 390 Old Hook Road Associates, Block 2207, Lot 15-  
Minor Site Plan with Variance (worksession)- Set for 6/12/08

9. DISCUSSIONS:

None

10. ADJOURNMENT - On motions, made seconded and carried, the meeting was adjourned at approximately 11:15 p.m.

Respectfully submitted

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MARY R. VERDUCCI, Paralegal  
Planning Board Secretary